REMARKS

This Amendment is filed in response to the non-final Office action mailed March 10, 2006. All objections and rejections are respectfully traversed. Reconsideration of the application, as amended, is respectfully requested.

Claims 21-41 are pending. Claims 21-40 were previously presented, and in this Amendment the Applicants have added new claim 41 containing similar subject matter as previously-presented claim 21. In addition, Applicants have amended claims 21, 30, 33, 37, 39, and 40 to better define the claimed invention.

In the Office Action of March 10, 2006, the Examiner rejected claims 21-23, 25-37, 39 and 40 under 35 U.S.C. § 102(b) as being anticipated by Japanese Patent Abstract JP 57-200238 to Nakahara et al. ("Nakahara"). The Examiner further rejected claims 21, 22, 27-30 and 33 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,178,778 to Kenmochi et al. ("Kenmochi"). The Examiner objected to claims 24 and 28 as being dependent upon rejected base claims, but indicated that these claims would be allowable if rewritten in independent form.

35 U.S.C. § 102(b) Rejections over Nakahara

Applicants respectfully traverse the rejections of claims 21-23, 25-37, and 39 under 35 U.S.C. § 102(b) as being anticipated by Nakahara. In order to properly establish an anticipation rejection under 35 U.S.C. § 102(b), each and every element of the claims at issue must be found in the applied prior-art reference, either expressly or under principles of inherency. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." *See* M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed.

Cir. 1989). In this case, Nakahara fails to disclose each and every element of the Applicants' claimed invention, as discussed in more detail below.

Applicants respectfully submit that Nakahara fails to teach or suggest at least "the geometrical parameter being different than the determined diameter," as recited in Applicants' representative claim 21. Accordingly, Nakahara cannot anticipate claim 21 under 35 U.S.C. § 102(b). Applicants therefore respectfully request that the Examiner reconsider and withdraw the rejection of claim 21 as being anticipated by Nakahara.

Nakahara teaches a technique for drawing a glass rod having a uniform outer diameter. *See* Nakahara, Purpose. To that end, Nakahara detects a set of outer diameters d1...dn along a heating and drawing zone of the glass rod. *See id.*, Constitution. Based on these detected outer diameters, a particular "point to complete deformation" is located on the rod. *See id.* To control the outer diameter of the rod as it is being drawn, the pulling rate of the rod is adjusted based on the rod's diameter at its point to complete deformation. *See id.*

At page 3 in the Office Action, the Examiner observes that the glass-rod diameter measured at the point to complete deformation is used to control an elongation process in Nakahara.[1] ("the diameter at this point [of complete deformation] is used to control the elongation.") Thus, by the Examiner's reasoning, the point to complete deformation is essentially a measuring point where a rod diameter is determined for controlling the elongation process.

[1] The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

Claim 21 recites "determining, during the step of elongating, the preform diameter in at least one measuring point along the preform" and "controlling the step of elongating on the basis of the determined diameter." In view of the Examiner's interpretation of Nakahara (discussed above), the Examiner apparently equates the point to complete deformation in Nakahara with the Applicants' claimed "measuring point" and the diameter determined at the point to complete deformation with the Applicants' claimed "determined diameter." Additionally, the Examiner apparently equates the Applicants' claimed "geometrical parameter" with the glass-rod diameter measured at Nakahara's point to complete deformation. *See* Office Action, p.3 ("The diameter is disclosed [in Nakahara] to be measured at the point to complete deformation, which is a geometrical parameter.") In view of the foregoing, it appears that the Examiner has equated the glass-rod diameter measured at the point to complete deformation in Nakahara with both the "geometrical parameter" and "determined diameter" recited in Applicants' claim 21. The Applicants respectfully submit that this interpretation of Nakahara is inconsistent with claim 21, as presently amended herein.

Specifically, amended claim 21 explicitly recites "the geometrical parameter being <u>different</u> than the determined diameter." Thus, while Nakahara discloses a geometrical parameter and determined diameter corresponding to the same rod diameter (i.e., measured at the point to complete deformation), claim 21 instead requires "the geometrical parameter being <u>different</u> than the determined diameter." As such, both the Applicants' claimed "geometric parameter" and "determined diameter" cannot read on the rod diameter at the point to complete deformation in Nakahara, as

suggested by the Examiner, since claim 21 expressly requires "the geometrical parameter being different than the determined diameter." For at least this reason, Nakahara cannot anticipate amended claim 21.

In summary, Nakahara fails to teach or suggest at least "the geometrical parameter being different than the determined diameter." As a result, the rejection of claim 21 under 35 U.S.C. § 102(b) is improper and should be withdrawn. Independent claims 30, 39, 40, and 41, although different in scope from independent claim 21, recite similar claim language and are thus allowable for at least the same reasons. Claims 22-29 and 31-38 depend on allowable independent claims 12 and 30 and are therefore also allowable for at least the same reasons.

35 U.S.C. § 102(b) Rejections over Kenmochi

Like Nakahara, Kenmochi also fails to disclose each and every element of the Applicants' claimed invention. In particular, with reference again to Applicants' representative independent claim 21, Kenmochi fails to teach or suggest "controlling, during the step of elongating, the position of said at least one measuring point according to the measured geometrical parameter," as claimed.

Kenmochi teaches a method of stretching an optical fiber preform. *See* Kenmochi, Title. The drawing speed of the preform "is controlled based on the diameter data of the ingot 1 as measured at two positions... by the first and second outer diameter measuring devices 67 and 68." Kenmochi, col. 3, ll. 19-23. The positions of the two diameter-measuring devices 67 and 68 are fixed relative to the optical preform. *See, e.g.*, Kenmochi, Fig. 1. For example, in each of the "Working Examples" disclosed at col. 7, ll. 9-55 in Kenmochi, the diameter-measuring devices 67 and 68 are "so

installed that there be a 150 mm clearance between [their respective] measuring positions A and B." Kenmochi does not teach or suggest moving either of the measuring positions A or B relative to the optical preform.

In sharp contrast, Applicants' claim 21 explicitly recites "controlling, during the step of elongating, the position of said at least one measuring point according to the measured geometrical parameter." Indeed, the Applicants' claimed step of "controlling... the position of said diameter measuring point according to the measured geometrical parameter" is completely absent in Kenmochi. Because Kenmochi's diameter-measuring devices 67 and 68 are situated at fixed positions, their positions also cannot be controlled according to a measured "geometric parameter," as claimed. As such, the measuring positions A and B in Kenmochi are not controlled according to a measured geometrical parameter. For at least this reason, the Applicants respectfully submit that Kenmochi cannot teach or suggest the Applicants' claimed step of "controlling, during the step of elongating, the position of said at least one measuring point according to the measured geometrical parameter."

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the pending 35 U.S.C. § 102(b) rejection of claim 21, as Kenmochi fails to teach each and every element of the claim. Independent claims 30, 39, 40, and 41, although different in scope from independent claim 21, recite similar claim language and are thus allowable for at least the same reasons. Claims 22-29 and 31-38 depend on allowable independent claims 12 and 30 and are therefore also allowable for at least the same reasons.

Conclusion

The preceding arguments are based only on the arguments in the Office action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Office action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability.

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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By: _____

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